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BERESKIN & PARR

March 13, 2006

BERESKIN & PARR
P.O. Box 401
40 King Street West
TORONTO Ontario
M5H 3Y2

Application No. : 2,220,812
Owner : FUJI PHOTO FILM CO., LTD.
Title : NETWORK PHOTOGRAPH SERVICE SYSTEM
Classification : H04L 12/16 (2006.01)
Your File No. : 732-98
Examiner : Donald Lefebvre

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY MUST BE RECEIVED WITHIN SIX MONTHS AFTER THE ABOVE DATE. DD 67. Sept 13/2006 JC

This application has been examined taking into account the applicant's correspondence received in this office on May 21st, 2002.

The number of claims in this application is 56.

Search Results and Synopsis of the Prior Art

The search of the prior art has revealed the following:

References Applied:

United States Patent

5,477,353 19 Dec 1995 H04N-01/00 YAMASAKI

Japanese Patent documents

JP08095163 12 Apr 1996 G03B-27/46 HANEDA
JP08044856 16 Feb 1996 G06T-01/00 HANEDA

Canada

OPIC  CI

PCT Application

95/05050 □ 16 Feb 1995 H04N-05/76 ALLEN

References of Interest:United Kingdom Application

2,286,944 □ 30 Aug 1995 H04N-01/387 FREDLUND et al.

European Patent Office Application

0 649 121 □ 19 Apr 1994 G07F-17/16 TSEVDOS et al.

Documents

HERNDON, "Photofinishing Comes To The Web", Newsbytes News Network, March 07, 1996 □

BRP PUBLICATIONS, "Alliance Launches Online Film Finishing", Report on Electronic Commerce, March 05, 1996 Vol: 3, Issue: 5 □

□ citation stemming from a foreign search report

YAMASAKI

YAMASAKI discloses a photographic image processing system having laboratory unit for processing film and photographer unit for supplying printing information. In a first system, a laboratory unit includes a developing machine for developing an exposed film, a printer for printing the exposed film, a print identification code printer, a film identification code reader for reading a film identification code, a scanner for reading the image recorded on the exposed film, a controller for controlling an image memory in is stored the image data sent from the photographer, and a printer which prints the image data. Also in the first system, a photographer unit includes an image memory for storing image data sent from the laboratory side, an image processing unit, an operation member, a monitor, an optical disc unit, and an image memory. The laboratory unit is connected to the photographer unit by a transmission line containing terminal repeaters. In a second system, on the photographer side, the images on a negative film are read by a scanner and converted into digital image data. The digital image data is processed by an image processing unit.

The digital image data processed by the image processing unit is transferred to the laboratory side via terminal repeaters. The transferred data contains the digital image data, the data used to identify the sender, and at least one of data indicating the print size and data indicating the number of prints. A printer effects printing on the basis of the image data transferred.

ALLEN

ALLEN discloses an on demand data delivery system for the manufacture of original content recordings at a remote location. A data capture facility for retrieving data from an item of material is connected to a data resampling means for compressing data which is accessible to a storage facility connected to a central host server. The central host server is connected to a communications network for communications to a remote server which controls a manufacturing control device connected thereto. The manufacturing control device duplicates original content recordings on blank media upon receipt of a data representation of the original content recording from the remote server which retrieves said data representation for a selected original content recording from the central host server over the communications network.

HANEDA

PURPOSE (JP08095163): To facilitate the arrangement and retrieval of images on a photographic film and to simplify the order for extra prints.

CONSTITUTION (JP08095163): The images of the developed film are picked up and converted into original digital image data. The original digital image data is converted into reduced digital image data. The reduced digital image data is stored in a disk for a user. The original digital image data is stored in a recording medium for a laboratory with an identification code of the film. The identification code is imparted to the film and the disk for the user where the reduced digital image data is stored. The original digital image data is read out from the recording medium for the laboratory and the picture of the image expressed by the data is printed. The identification code is recorded on the disk for the user instead of imparting the identification code to the disk for the user. An image reproducing program (hypertext) is stored in the disk for the user.

PURPOSE (JP08044856): To facilitate the retrieval of an image on the recording medium of the copy destination by forming an image film in a form related to an index file taking copy source recording media as unit and controlling an image data writer so that these data are written in the copy source recording medium.

CONSTITUTION (JP08044856): The image data are read from the copy source recording medium by a reader and the data containing those read data are written in a hard disk driver and an optical disk device and temporarily stored. Then, reduced image data expressing an image resulting from reducing the image data from a hard disk and an optical disk by a computer are prepared for every image.

The index file containing those reduced image data is registered on an image file taking copy source recording media as unit. That image file is written and stored in the optical disk in the form relating to the index file taking the copy source recording media as unit. Therefore, the retrieval of the image on the copy destination recording medium can be performed.

Subject Matter

The subject matter of claims 1-56 is directed to a network photograph service system. This is accomplished by providing at least one laboratory server that is located in a laboratory, the laboratory having a picture printer and having an ability to communicate via a network; and a centre server located in a service centre that receives a printing service order via the network, wherein the centre server: (1) stores pictures taken by customers as digital images, (2) makes the digital images accessible on the network, (3) selects one of a plurality of laboratories to output a print in response to order information transferred from the customer via the network, (4) provides the order printing service to the customer by transmitting instruction information to the laboratory server, (5) creates a record of the processing, and manages the processing.

Online processing and printing of digital images does not produce a vendible and tangible product, or operate an inventive machine. Therefore, using generic or unspecified technology, for accessing stored images, receiving printing service orders; creating order information representing the printing service; and selecting a laboratory to carry out the processing for providing the printing service does not produce an essential economic result relating to trade, commerce or industry in the meaning given those words by the courts as explained in MOPOP 12.02.01a.

A method that does not produce an essential economic result in relation to trade, commerce and industry is not an art and is instead what has been labelled by the courts a professional skill.

Therefore, method claims 39, 40, 45, 46, 47, and 48 do not satisfy section 2 of the *Patent Act*.

Obviousness

Claims 1, 9, 33, 35, 39, 41, 43, 45, 47-49, and 51-56 describe a system, method, and software product for processing print order from a customer, comprising: determining access rights of the customers to stored image data; accessing the stored image data via a network; receiving a printing service order transferred from a customer; creating order information representing the printing service order; selecting a laboratory to output a print; ordering a laboratory server in the selected laboratory to carry out processing for providing the printing service by transmitting instruction information to the laboratory server; transmitting the order information to the server; and carrying out the processing for providing a printing service to the customer only when the access right is confirmed.

The combined teachings of YAMASAKI and ALLEN or HANEDA describe a photographic image processing system and method for providing photographic prints and delivery services to a customer. The system comprising: a laboratory unit for processing an exposed film; and a photographer unit for processing images recorded on the exposed film; the laboratory unit comprising: an identification code reader for reading an identification code of the exposed film; a scanner for converting the image recorded on the exposed film into digital image data; a first image memory for storing the digital image data converted by the scanner corresponding to the identification code; and first transmission means for transmitting the digital image data stored in the first image memory via a transmission line; and the photographer unit comprising: reception means for receiving the digital image data transmitted by the first transmission means; a second image memory for storing the digital image data received by the reception means; image processing means for processing the digital image data stored in the second image memory; and second transmission means for transmitting the digital image data processed by the image processing means to the laboratory unit, wherein the laboratory unit further comprises printing means for printing the digital image data transmitted by the second transmission means [YAMASAKI, Col 1, line 64 to Col 2, line 19, Figure 1]. An on demand data delivery system, connected to a central server, controls a manufacturing process [ALLEN, page 5 line 35 to page 6 line 31].

The above claims are obvious in view of YAMASAKI and ALLEN or HANEDA.

Claims 2-8, 10-32, 34, 36-38, 40, 42, 44, 46, and 50 depend on one of the above claims, and fail to overcome the objections to those claims.

The subject matter of claims 1-56 are obvious in view of YAMASAKI and ALLEN or HANEDA. Therefore none of the claims on file comply with Section 28.3 of the *Patent Act*.

Non-Prior Art Deficiencies

The examiner has identified the following defects in the application:

Claims

Claims 39-56 are broader in scope than the teaching of the description. To comply with section 84 of the *Patent Rules* the claims must specify that the system makes use of a plurality of laboratory servers and a specific centre server for processing photographic print service orders, as specified by a customer. Subject matter of the above claims is all encompassing and may include prints from any laboratory other than from "photo lab", for example: a test laboratory having photos or digital images of organic specimens.

Claims 1, 33, 35-37, 43, 50, 52, 54 and 56 are indefinite and do not comply with subsection 27(4) of the *Patent Act*. The following expressions have no antecedents:

- "the laboratories" (claim 1, line 11);
- "the storage" (claim 33);
- "the amount" (claim 35);
- "the cost" (claim 36);
- "the communication charge" (claim 36);
- "the management" (claim 37);
- "the reception" (claim 43);
- "said input receiving means" (claim 50);
- "the selection" (claim 52, and claim 56); and
- "the customer" (claim 54).

Drawings

The applicant is requested to submit replacement pages compliant with subsection 68(1) and section 82 of the *Patent Rules*. Drawing pages containing Figures 1, and 5-8. The above pages are unsuitable for reproduction, as the Figures are too large for the size of the pages, where the Figures are missing details.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Donald Lefebvre
Patent Examiner
(819) 997-2822

ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.

EP 04 00 4736

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

09-03-2006

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